

# Tree Retention Update

The removal of a tree is 'works' that may require development approval.

Local planning frameworks can clarify the circumstances in which development approval is required to remove a tree.

This can be done via local planning policy or local planning scheme provisions.

Earlier this year WALGA released the [Tree Retention Model Local Planning Policy](#) to provide this clarification and to establish consistent policy settings and provisions for regulating trees on private land.

WALGA is aware of several Local Governments who already have local planning scheme provisions or who are considering introducing scheme provisions to clarify when development approval is required to remove a tree.

These scheme provisions are often listed as supplementary provisions to the *Planning and Development (Local Planning Scheme) Regulations 2015* deemed provision Clause 61 (1) (b) *Development for which development approval is not required*.

Local planning scheme provisions prevail over local planning policies.

In some cases, the supplementary provisions clarify that development approval is only required to remove a tree on a Significant Tree Register. This means all other trees can be removed without development approval.

If a Local Government has a local planning scheme provision that clarifies when a tree removal is required, WALGA's Tree Retention Model Local Planning Policy would be ineffective.

Local planning scheme provisions require the approval from the Minister for Planning and earlier this year the Minister rejected several local planning scheme amendments that proposed to include tree protection provisions on private land.

Further, some Local Governments have recently proposed Significant Tree Register supplementary provisions within their local planning schemes. In some cases, the Minister has been requesting modifications to these provisions, specifically requiring that significant trees can only be nominated by owner of the land which contains the tree.

Given the current uncertainty around tree protection local scheme provisions, Local Governments should cautiously consider their options before deciding their preferred approach to regulating trees.

Should you wish to discuss this matter further or are considering your options to regulate trees on private land, please email [planning@walga.asn.au](mailto:planning@walga.asn.au).